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Attorney for Defendant

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)	No. CR 07-0734 MMC
)	
Plaintiff,)	<u>[PROPOSED] ORDER AND</u>
)	<u>STIPULATION CONTINUING</u>
vs.)	<u>COURT HEARING</u>
HISHAM YOUSEF MUSHASHA,)	
)	
)	
Defendant.)	

At the request of defendant, and with the agreement of the government, the Court hereby vacates the hearing on January 28, 2008, which was for the purpose of holding a status conference, and sets a new hearing date on March 5, 2008, at 2:30 p.m., and excludes time under the Speedy Trial Act on the basis of complexity, continuity of counsel and effective preparation, from January 28, 2008 to March 5, 2008. 18 U.S.C. §3161(h)(8)(B)(ii), (iv). The parties agree and the Court finds and holds as follows:

1. Defendant is currently charged by Indictment filed November 15, 2007 with violations of 18 U.S.C. §1343-Wire Fraud; 18 U.S.C. §981(a)(1)(c) & 28 U.S.C. § 246(c)-Forfeiture. On or about December 5, 2007, the parties made their initial appearance before this Court and requested a further status conference date which was set for January 28, 2008.

2. The parties make this instant request because the United States has provided and will continue to provide discovery to defense counsel, who in turn needs time to review those

1 materials, meet with defendant and conduct further investigation, and thereby determine how
 2 to proceed. Specifically, defense counsel needs time to obtain and review bank records from
 3 the United Kingdom and Jordan which are very material to this case. The parties are engaged
 4 in settlement discussions and both parties are vitally interested in these records for both
 5 settlement and pre-trial preparation. The defendant can obtain these records more promptly
 6 than the government and is in the process of doing so at this time. Defense counsel believes
 7 that these records are important to the plea negotiations the are now in progress. In addition
 8 there are individuals in the above mentioned countries and other countries in the Middle East
 9 that defense needs to contact that are important to the defense making the most persuasive
 10 presentation it can to the government in the ongoing negotiations and additional time is
 11 needed by the defense to make these contacts. Accordingly, the extension and exclusion are
 12 required for effective preparation of defense counsel.

13 3. The Court finds that there is good cause for the exclusion of time under 18 U.S.C.
 14 §3161 and that the ends of justice served by granting this continuance outweigh the best
 15 interests of the public and of the defendant in a speedy trial and the prompt disposition of
 16 criminal cases. 18 U.S.C. §3161(h)(8)(A). The Court further finds that failure to grant the
 17 continuance would deny counsel for all parties the time reasonably necessary for effective
 18 preparation, taking into account the exercise of due diligence under 18 U.S.C.
 19 §3161(h)(8)(B)(iv). Accordingly, and with the consent of the defendant, the Court sets a
 20 date of March 5, 2008, at 2:30 p.m. before this court for a status conference in this matter and
 21 hereby orders that the period from January 28 to March 5, 2008, be excluded under the
 22 Federal Rules of Criminal Procedure and from the Speedy Trial Act calculations under 18
 23 U.S.C. §3161(h)(8)(B) (ii) and (B)(iv).

24 SO STIPULATED:

25 DATED: January 25, 2008

/s/
 GILBERT EISENBERG
 Attorney for Defendant

27 DATED: January 25, 2008

/s/
 TRACIE BROWN
 Assistant United States Attorney

1 SO ORDERED:

2 DATED: January __, 2008

3 MAXINE MACKLER CHESNEY
4 UNITED STATES DISTRICT JUDGE
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